

III. REMARKS

In the Final Office Action, claims 1-3, and 7-22 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela (US 2001/0031633) in view of Karves (US 7085257), and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Karves and Silverman (US 6,035,031), and claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela for reasons set forth in the Office Action.

A response to the Final Office Action of April 13, 2009 has been filed. Thereafter, an Advisory Action was issued, the Advisory Action stating that the proposed response (argument without further amendment) would be entered, but that the argument did not overcome the rejections because of the examiner's comment. The comment makes reference to Tuomela (US 20010031633) paragraphs [10, 16, 19, 23] and leads the examiner to conclude that the shared server provides for an embodiment of the Tuomela system in which receiving party is not performing the automatic operation because the context information is stored in the shared server.

This paper is submitted to point out, respectfully, an error that is believed to be present in the examiner's comment. It is believed that, in the operation of the Tuomela system, the receiving party's equipment simply consults the shared server, to obtain information, in the process of taking any one of various possible actions for responding to the calling party. This is understood from the passages [10, 16, 19, 23] cited by the examiner plus further passages set forth herein. Consequently, all of the decision-making process, in response to the incoming call from the calling party, is performed by the receiving party's equipment contrary to the claimed subject matter in which the action is taken at the calling party.

This may be explained, with reference to Tuomela, as follows.

Tuomela (Abstract) discloses a method, for use in a wireless communications system, for processing an incoming call. The method includes steps of:

Storing a current context of a user (understood to be the receiving party);

Determining, in response to an incoming call, if an automatic call answering function is enabled (understood that the enablement is done by the receiving party);
and

Transferring information (from the receiving party) to the caller that is descriptive of the current context of the user. This is accomplished without a ringing of the user's phone.

Tuomela (Abstract) teaches further that the current context is provided by an input from the user, or even by use of a sensor. Information of the current context may be stored either in the user's phone equipment or in a Wireless Application Protocol (WAP) server. The transferring of information (by the user equipment) to the caller may be accomplished by a voice message, or a text message, or even by an animation.

These essential features of the Tuomela system are described in further detail in the published application. However, before reviewing other passages of the Tuomela published application, it is useful to gain a further understanding of the Tuomela system.

An analysis of the Tuomela system shows the following:

It is the user (receiving party) equipment which directs the storage and the retrieval of the user context in a storage medium, whether this storage medium be local, in the sense of being located within the user equipment, or distant from the user equipment, as in the case of the WAP server. This may be demonstrated, by way of example, in the case of a person using a laptop computer. The person may opt to save his work product

within a storage medium located inside the computer, and may also opt to save his work product in a backup storage medium located outside the computer and possibly at a distance from the computer. In corresponding fashion, when the person desires to resume work on the product, he may recall the product from the local medium (within the computer) or from the distant medium (outside the computer). However, in each of these cases, it is an application program and/or an operating system program within the laptop computer that generates the electrical commands resulting in the storage or retrieval of the work product within/from the storage medium.

The decision-making capacity of the Tuomela user equipment must include some sort of computer or logic array that is capable (based on prior programming) of responding to directions inputted by the user and to data stored in the storage medium (whether local or distant) in order to decide what action to take, such as passing the call on to the user (important or emergency call) or sending an explanatory message back to the calling party.

Furthermore, the Tuomela user equipment must have the capacity for selecting a desired message from a store of messages, and for formulating the message in a desired format such as the aforementioned voice message, or text message, or animation.

In view of the foregoing observations, it is urged that the Tuomela user equipment (1) directs the storage and retrieval of data that is necessary for responding about the user context, (2) makes the decision about what action to take with respect to an incoming call, and (3) formulates the requisite message for transmission back to the calling party.

This conclusion contradicts the examiner's position, expressed in the Advisory Action, that the shared server provides for an embodiment of the Tuomela system in which the receiving party is not performing the automatic operation because the context information is stored in the shared server.

Support for this position is found in the Tuomela published application.

The user equipment includes a storage unit [0009] for storing a current context of the user, as well as a control unit that is responsive to an incoming call to the user for transferring information to the caller that is descriptive of the current context of the user without ringing the user's phone. The storage unit can be in the user's phone or in a WAP server. With reference to Fig. 3, it is taught [0036] that the network operator 2 can include a WAP server 7, which may include an automatic answering function to be implemented by the network operator or by the mobile station 10. Such a construction is not shown, but only postulated. In contrast [0040], the mobile station 10 may include context sensing unit (CSU) 26 with a GPS receiver, motion sensor, and proximity sensor for detecting the presence of a user's hand and/or face, as well as a biometric sensor for heart rate. Significantly, there is no teaching of the CSU 26 at the network operator 2. Thus the basic teaching of Tuomela is that a CSU, which is at the heart of the Tuomela apparatus, must be located at the receiving party, and not at the network operator.

Furthermore, it is noted that present claim 1 calls for:

establishing among a group of parties a context-based file arrangement that records activity status of each member of the group, the file arrangement comprising an activity status server and a plurality of activity logs connected to the server, the activity logs being in communication with the phones of respective ones of the parties;

a calling party of said group of parties selecting a receiving party of said group of parties for establishment of a communications connection between said calling party and said receiving party by communication with said activity status server and said activity logs;

Thus, the claimed subject matter deals with a group of parties who share a common context-based file arrangement. There is no suggestion in Tuomela of the sharing of the WAP server among both the called party and the calling party. Therefore, in the system of Tuomela, it becomes necessary for the calling party to make a long-distance call to the distant server, employed by the receiving party, to find out about the status of the receiving party. In contrast, in the presently claimed subject matter, the calling party need call only as far as the shared common context-based file arrangement.

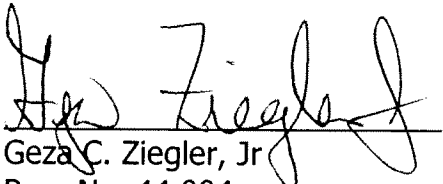
With respect to the Tuomela paragraphs cited by the examiner, it is believed that these paragraphs do not change the foregoing arguments. Thus, paragraph [0010] teaches that information is stored in at least one of the user's phone or in a wireless network for directing the processing of an incoming call. Paragraph [0016] teaches that some contexts may involve automatic answers including the use of sensors. Paragraph [0019] teaches that a WAP server stores context information. Paragraph [0023] gives an example wherein the user's telephone does not ring during the transfer of the user current context to the calling party. Upon a second call, the user apparatus connects the call to the user.

It is believed that the foregoing argument overcomes the grounds of rejection based on Tuomela and Karves considered together and in combination with Silverman, so as to provide allowable subject matter in the claims. It is noted that Silverman is employed to show only one feature, and does not alter the foregoing argument advanced against the primary references Tuomela with Karves.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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Date

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